
From: Souki, Jesse K.
To: 'Ted.Matley@dot.gov'
CC: Miyamoto, Faith; Woo, Donna M; 'Renee.Marler@dot.gov'
Sent: 12/15/2009 2:28:23 PM
Subject: TRNS RE: Comments on Slater letter
Attachments: Conflict of Interest.pdf; DCCA Registration.pdf

CONFIDENTIAL AND PRIVILEGED COMMUNICATION

Ted,

This e-mail is a response to your second set of questions from your December 8, 2009 e-mail to Faith Miyamoto.

Q: Has PB executed the conflict of interests disclosure statement required by the CEQ regulations?

A: Yes. Attached is a copy of Exhibit 3 to the Special Provisions of the consultant contract between the City and PB Americas, Inc. for the Honolulu High Capacity Transit Corridor Project. You will note that as the "Consultant," PB Americas, Inc. certified that "the CONSULTANT has no pecuniary or other interest in the outcome of the project under the Contract." This statement satisfies the disclosure requirement under 40 C.F.R. § 1506.5(c).

Q: Are there conflict issues here?

A: Not to the City's knowledge. Regarding PB Americas, Inc's contribution to Go Rail Go, that organization is not affiliated with the City or the Project. According to PB Americas, Inc., it is not affiliated with Go Rail Go. According to its website, Go Rail Go is a tradename for the Committee for Balanced Transportation, a tax-exempt 501(c)(4). See About Us, Go Rail Go, last visited Dec. 15, 2009, at <http://www.gorailgo.org/about-us.html>. The Committee for Balanced Transportation is registered as a domestic nonprofit corporation with the State of Hawaii Department of Commerce and Consumer affairs. See Attached DCCA Registration. Its officers do not include the City, the Project, or PB Americas, Inc. Therefore, there does not appear to be a conflict of interest here, because PB Americas, Inc's support of Go Rail Go does not create in PB Americas, Inc. a "financial or other interest in the outcome of the project" under 40 C.F.R. § 1506.5(c).

Sincerely,

Jesse K. Souki

Deputy Corporation Counsel
City and County of Honolulu
Tel.: (808) 768-5135

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From: Souki, Jesse K.
Sent: Wednesday, December 09, 2009 5:35 PM
To: 'Ted.Matley@dot.gov'
Cc: Miyamoto, Faith; Woo, Donna M; 'Renee.Marler@dot.gov'
Subject: RE: Comments on Slater letter

CONFIDENTIAL AND PRIVILEGED COMMUNICATION

Ted,

Faith asked that I answer the two questions you presented in your email, below. I will answer your first question in this email and will follow up on your second question separately.

Your question 1: "Can you explain how the state law works requiring response letters to public comment? Particularly as to the timing of the response letters relative to the FEIS."

Under Hawaii Revised Statutes chapter 343 and agency rules adopted to implement that statute under Hawaii Administrative Rules chapter 11-200, there is no deadline within which to respond in writing to comments received during the public review period. In practice, the agency (i.e., DTS) mails the responses to comments when the EIS document is submitted to the Office of Environmental Quality Control ("OEQC") and distributed to persons and entities on the distribution list of reviewers approved by the OEQC. These events will occur soon after the governor or an authorized representative accepts the final EIS.

Sincerely,

Jesse K. Souki

Deputy Corporation Counsel

City and County of Honolulu

Tel.: (808) 768-5135

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>
> -----Original Message-----
> From: Ted.Matley@dot.gov [mailto:Ted.Matley@dot.gov]

AR00119939

> Sent: Tuesday, December 08, 2009 3:21 PM

> To: Miyamoto, Faith

> Subject: Comments on Slater letter

>

> Faith, attached are comments/edits on the Cliff Slater letter.

>

> Also, Can you explain how the state law works requiring response letters

> to public comment? Particularly as to the timing of the response letters

> relative to the FEIS.

>

> Second, the Slater letter points to a non-profit organization called "Go

> Rail Go" as a big proponent of the project, and the Slater letter suggests

> that Parsons Brinckerhoff has made substantial donations to that

> organization (the commenter failed to make the link that PB prepared the

> NEPA document). Has PB executed the conflict of interests disclosure

> statement required by the CEQ regulations? Are there conflict issues here?

>

> On these last two questions please respond to Renee, maybe if your counsel

> contacts her directly that would be easiest.

>

> Ted